

<p style="text-align: right;">Page 90</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 MR. MINGOLLA: Objection as to form.</p> <p>3 No time frame and ambiguous. Many</p> <p>4 agreements.</p> <p>5 A. Yes, I have seen document that I did confirm</p> <p>6 that. Can I clarify something?</p> <p>7 Q. Certainly.</p> <p>8 A. With the intention of facilitating the</p> <p>9 commercialization of the microgranules that</p> <p>10 we were manufacturing because sometimes</p> <p>11 Ethypharm will ask me for it to sell the</p> <p>12 goods. For example, in China I remember.</p> <p>13 Q. Do I understand that you are saying that you</p> <p>14 signed documents and verifications that were</p> <p>15 not true?</p> <p>16 MR. MINGOLLA: Objection.</p> <p>17 A. Partially there were truth because as I say</p> <p>18 before, the know-how part of it was</p> <p>19 Ethypharm. Belmac had participated and had</p> <p>20 worked extensively on that know-how.</p> <p>21 Q. Let's look at one of these agreements. Give</p> <p>22 him another document. Dr. Azpeitia, I'm</p> <p>23 going to show you a four-page or five-page</p> <p>24 document which are confidentiality agreements</p>	<p style="text-align: right;">Page 92</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. Was information being transferred by</p> <p>3 Ethypharm to Laboratorious Belmac in many</p> <p>4 years, over many years?</p> <p>5 MR. MINGOLLA: Objection as to form.</p> <p>6 Ambiguous. What information?</p> <p>7 A. Initially Belmac at the beginning received</p> <p>8 some information. I wasn't on the job yet,</p> <p>9 at least not as general director; but at the</p> <p>10 very beginning I received some initial</p> <p>11 information. The problem was that this</p> <p>12 know-how was not functioning correctly. It</p> <p>13 wasn't perfect. There was a lot of</p> <p>14 imperfections in it, and Belmac was the one</p> <p>15 that took over to perfect this know-how.</p> <p>16 Q. When?</p> <p>17 A. All along, years, better and better and</p> <p>18 better.</p> <p>19 Q. In 1996 are you verifying you will keep the</p> <p>20 information that Ethypharm has given you</p> <p>21 secret?</p> <p>22 MR. MINGOLLA: Objection.</p> <p>23 A. Yes. Yes, of course.</p> <p>24 Q. And that would be any secret information or</p>
<p style="text-align: right;">Page 91</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 by a number of Belmac employees, and page 2 I</p> <p>3 believe is a document that you signed, so I</p> <p>4 would like you to start by reading page 2.</p> <p>5 (Exhibit No. 7, Confidentiality</p> <p>6 agreement, so marked)</p> <p>7 A. Yes, it's my signature.</p> <p>8 Q. And this was signed the 20th of February,</p> <p>9 1996?</p> <p>10 A. Yes.</p> <p>11 Q. And do I understand that this agreement means</p> <p>12 that you have been given secret information</p> <p>13 by Ethypharm?</p> <p>14 MR. MINGOLLA: Objection.</p> <p>15 A. Yes, of course. And I personally didn't have</p> <p>16 the information, but I do know personnel of</p> <p>17 Zaragoza did have that information and</p> <p>18 Ethypharm gave that information.</p> <p>19 Q. So Ethypharm gave to Laboratorious Belmac</p> <p>20 secret know-how in 1996?</p> <p>21 MR. MINGOLLA: Objection as to form.</p> <p>22 Ambiguous.</p> <p>23 A. Yes, they give us secret information and not</p> <p>24 on this year. I think it was 1993 or 1992.</p>	<p style="text-align: right;">Page 93</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 know-how up until 1996?</p> <p>3 MR. MINGOLLA: Objection. Compound</p> <p>4 and ambiguous.</p> <p>5 A. What I understand that I signed was the</p> <p>6 information that Ethypharm had given to us as</p> <p>7 of that day.</p> <p>8 Q. As of the date of the agreement, February 20,</p> <p>9 1996?</p> <p>10 A. No. As I had said before, it was regarding</p> <p>11 the information that at the beginning</p> <p>12 Ethypharm had provided to Belmac that were at</p> <p>13 the archives of Zaragoza. That I personally</p> <p>14 never saw them, but I could have access to it</p> <p>15 as director of the company.</p> <p>16 Q. Did you understand that it was in</p> <p>17 Laboratorious Belmac's interest to sign</p> <p>18 these confidentiality agreements, this</p> <p>19 confidentiality agreement?</p> <p>20 A. What I remember it was an act of good faith</p> <p>21 towards Ethypharm. Those were my intentions.</p> <p>22 It was against the manufacturing director</p> <p>23 that he didn't like this. He didn't agree</p> <p>24 with it because maybe it was very specific on</p>

24 (Pages 90 to 93)

<p style="text-align: right;">Page 94</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 denying the know-how of Ethypharm. The</p> <p>3 technical people were denying or disapproving</p> <p>4 the know-how of Ethypharm even more than I</p> <p>5 was.</p> <p>6 Q. Who is it that you're talking about?</p> <p>7 A. I'm talking about the administration of the</p> <p>8 manufacturing plant.</p> <p>9 Q. Mateo Gasca?</p> <p>10 A. No. He wasn't the director of the</p> <p>11 manufacture plant.</p> <p>12 Q. Who didn't want you to sign this document?</p> <p>13 A. No. It wasn't that they didn't want me.</p> <p>14 It's that they didn't like that I signed.</p> <p>15 Q. Who?</p> <p>16 A. Jose Monterde and Cabodevilla.</p> <p>17 Q. Can I have you look at page 5. Didn't</p> <p>18 Mr. Cabodevilla sign this as well?</p> <p>19 A. Yes, they did sign. I asked them to sign.</p> <p>20 Q. So Jose Monterde and Antonio Cabodevilla also</p> <p>21 signed these documents?</p> <p>22 A. Yes, I did suggest to them. They kind of</p> <p>23 signed kind of against their will.</p> <p>24 Q. Did Mr. Murphy approve of your signing these</p>	<p style="text-align: right;">Page 96</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 the president of Belmac, and he was aware of</p> <p>3 it as all of us. We were all aware of it.</p> <p>4 Q. Mr. Murphy was also the president of -- the</p> <p>5 chairman and CEO of Bentley, correct?</p> <p>6 A. Can you repeat the question again?</p> <p>7 Q. Mr. Murphy was also the top official in the</p> <p>8 U.S. company Bentley, correct?</p> <p>9 A. I believe Murphy was the president. I know</p> <p>10 he was the person because I remember seeing</p> <p>11 something of the Bentley Company in the</p> <p>12 U.S.A.</p> <p>13 Q. Did Bentley agree that it was in</p> <p>14 Laboratorious Belmac's interest to sign</p> <p>15 confidentiality agreements --</p> <p>16 MR. MINGOLLA: Objection. Calls for</p> <p>17 speculation.</p> <p>18 Q. -- such as Exhibit 7?</p> <p>19 A. I don't believe. I think that the person</p> <p>20 that made the best efforts, you know, may be</p> <p>21 based on my character, to get closer to</p> <p>22 Ethypharm was myself.</p> <p>23 Q. I don't think that was my question. Did</p> <p>24 Mr. Murphy express to you his desire to sign</p>
<p style="text-align: right;">Page 95</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 documents?</p> <p>3 MR. MINGOLLA: Objection.</p> <p>4 Foundation.</p> <p>5 A. I didn't share with him this issue.</p> <p>6 Q. Did you discuss --</p> <p>7 MR. PALENCIA: Consult.</p> <p>8 A. I didn't consult with him.</p> <p>9 MR. BOSTWICK: That is not</p> <p>10 appropriate. That's their lawyer, and we're</p> <p>11 not going to have their lawyer change his</p> <p>12 testimony. So I need you to read it back,</p> <p>13 and it needs to be your testimony and not</p> <p>14 his. That's absolutely we can't have that.</p> <p>15 (Question and answer read)</p> <p>16 Q. Did you ever consult with Mr. Murphy --</p> <p>17 strike that. Did you ever discuss with</p> <p>18 Mr. Murphy the issue of whether the know-how</p> <p>19 was Ethypharm's or Belmac's relating to</p> <p>20 Omeprazole?</p> <p>21 MR. MINGOLLA: Objection as to form.</p> <p>22 A. All the personnel of Belmac, we all knew that</p> <p>23 the know-how of Ethypharm did not function,</p> <p>24 and the person of Belmac which Mr. Murphy was</p>	<p style="text-align: right;">Page 97</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 or not sign agreements such as Exhibit 7?</p> <p>3 A. I didn't make comments about referring to</p> <p>4 this topic to him.</p> <p>5 Q. In your weekly telephone conversations and</p> <p>6 the monthly meetings that you had with</p> <p>7 Mr. Murphy in Spain, did the topic ever come</p> <p>8 up of whether you should sign verifications</p> <p>9 that the know-how relating to Omeprazole was</p> <p>10 Ethypharm's property?</p> <p>11 MR. MINGOLLA: Objection.</p> <p>12 A. I'm sorry. I don't quite understand. I</p> <p>13 don't understand the question. Are you</p> <p>14 asking me?</p> <p>15 MR. BOSTWICK: This is a very</p> <p>16 important question. I think you ought to</p> <p>17 read it off the screen.</p> <p>18 A. As I mentioned before, my opinion was that it</p> <p>19 was not an important topic.</p> <p>20 Q. So you did not discuss it with Jim Murphy?</p> <p>21 A. If I can clarify a little bit?</p> <p>22 Q. Yes.</p> <p>23 A. The struggle between Ethypharm and Belmac, it</p> <p>24 was continuous. This topic, it was not a</p>

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<p style="text-align: right;">Page 98</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 topic that was more important or more in</p> <p>3 detail than others.</p> <p>4 Q. So just to be clear, did you discuss this</p> <p>5 topic with Mr. Murphy or not, whether to sign</p> <p>6 agreements like this?</p> <p>7 A. I don't remember having discussed it.</p> <p>8 Q. So it's possible but you're not sure?</p> <p>9 MR. MINGOLLA: Objection.</p> <p>10 A. I'm almost sure that it did not.</p> <p>11 THE VIDEOGRAPHER: The time is 3:09</p> <p>12 p.m. on June 27, 2006. This is the end of</p> <p>13 tape number two.</p> <p>14 (Recess)</p> <p>15 (Exhibit No. 8, Document, EP 2107,</p> <p>16 so marked)</p> <p>17 THE VIDEOGRAPHER: The time is 3:16</p> <p>18 p.m. on June 27, 2006. This is tape number</p> <p>19 three.</p> <p>20 Q. Hello, Dr. Azpeitia. Do you remember a time</p> <p>21 in early 1997 when Ethypharm threatened to</p> <p>22 terminate the relationship with</p> <p>23 Laboratorious Belmac?</p> <p>24 A. Yes. I don't remember the date because it</p>	<p style="text-align: right;">Page 100</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 company.</p> <p>3 Q. Sorry. I didn't understand that answer.</p> <p>4 A. The entire company including Mr. Murphy were</p> <p>5 tired of the relationships with Ethypharm.</p> <p>6 Q. I have given you an exhibit. Have you had an</p> <p>7 opportunity to take a look at that?</p> <p>8 A. Not completely. I'm just going to go ahead.</p> <p>9 Before I had asked you permission so I could</p> <p>10 underline?</p> <p>11 Q. It's okay. You can underline. Do you recall</p> <p>12 this letter?</p> <p>13 A. In details, no, but it's just one more.</p> <p>14 Q. Do you recall Ethypharm being very upset in</p> <p>15 1997 about problems with good manufacturing</p> <p>16 procedures at Belmac?</p> <p>17 A. The disagreement, it was very common. It was</p> <p>18 always common, you know, Belmac and</p> <p>19 Ethypharm.</p> <p>20 Q. Do you know what GMP is?</p> <p>21 A. Yes.</p> <p>22 Q. What is that in your words?</p> <p>23 A. Norms of good production, good manufacturing</p> <p>24 practices.</p>
<p style="text-align: right;">Page 99</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 wasn't just one time. There were various</p> <p>3 times. The threats from Ethypharm were</p> <p>4 common, were frequent.</p> <p>5 Q. In instances when Ethypharm said they might</p> <p>6 terminate the relationship, did you always</p> <p>7 talk to Jim Murphy?</p> <p>8 MR. MINGOLLA: Objection as to form.</p> <p>9 A. Yes. Yes, of course.</p> <p>10 Q. Would you have had the power to say I'm tired</p> <p>11 of this relationship; I'm going to end the</p> <p>12 relationship with Ethypharm?</p> <p>13 MR. MINGOLLA: Objection. Calls for</p> <p>14 speculation.</p> <p>15 A. I think so.</p> <p>16 Q. Could you have said to Ethypharm the</p> <p>17 relationship is done without consulting with</p> <p>18 Mr. Murphy?</p> <p>19 MR. MINGOLLA: Objection. Calls for</p> <p>20 speculation.</p> <p>21 A. I would not have done it, but I did know that</p> <p>22 if I have taken that decision, Mr. Murphy</p> <p>23 will support me because I think it was the</p> <p>24 least of the personnel that was tired of the</p>	<p style="text-align: right;">Page 101</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. Do you recall any issue around 1997 where</p> <p>3 Ethypharm lost a client and they were very</p> <p>4 upset about an audit for GMP that had been</p> <p>5 done?</p> <p>6 MR. MINGOLLA: Objection as to form.</p> <p>7 Compound.</p> <p>8 A. They didn't mention a few times, but can I</p> <p>9 clarify some things?</p> <p>10 Q. Certainly.</p> <p>11 A. The realization of the zones of the</p> <p>12 manufacturing plant were done by Ethypharm,</p> <p>13 and actually, they paid for the modifications</p> <p>14 that were done. When I became director, one</p> <p>15 of the things that I did was to return the</p> <p>16 money that were used during this</p> <p>17 modifications back to Ethypharm, and I pay</p> <p>18 them back without charging them for some</p> <p>19 modifications. So the installations that</p> <p>20 they were complaining about are the</p> <p>21 installations or modifications that they did</p> <p>22 themselves.</p> <p>23 Q. Do you remember discussing this issue with</p> <p>24 Mr. Murphy?</p>

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<p style="text-align: right;">Page 102</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. No. Not anything specific.</p> <p>3 Q. Was this an important matter, Ethypharm</p> <p>4 sending a letter threatening to terminate the</p> <p>5 relationship?</p> <p>6 MR. MINGOLLA: Objection.</p> <p>7 A. Yes, very, very important but very frequent.</p> <p>8 Q. Did you discuss it with Jim Murphy?</p> <p>9 A. Discuss, no. Commenting about it, yes. I</p> <p>10 understand the difference between discussion</p> <p>11 and commenting.</p> <p>12 Q. What do you mean by that difference?</p> <p>13 A. Discussion is not been in agreement.</p> <p>14 Commenting is sharing information,</p> <p>15 communication.</p> <p>16 Q. That's a difference that's important because</p> <p>17 it sounds like it's a difference between</p> <p>18 Spanish and English?</p> <p>19 A. Yes.</p> <p>20 Q. When you say you had a communication with</p> <p>21 Mr. Murphy about this, explain to me what you</p> <p>22 mean?</p> <p>23 A. That I will comment with him every author has</p> <p>24 written to us one more time, you know,</p>	<p style="text-align: right;">Page 104</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 so marked)</p> <p>3 Q. I will represent that this letter appears to</p> <p>4 be a letter dated January 28, 1997 from Jim</p> <p>5 Murphy at Bentley Pharmaceuticals. Do you</p> <p>6 remember seeing this letter before today?</p> <p>7 A. I don't know if this was among one of the</p> <p>8 letters that the attorneys have showed me in</p> <p>9 the past few days; but if it is one of the</p> <p>10 letters, I just saw it the other day</p> <p>11 yesterday; but I don't even remember it. But</p> <p>12 if you explain to me what the content of it,</p> <p>13 maybe.</p> <p>14 Q. Let me ask the question differently.</p> <p>15 Forgetting what you may have been showed in</p> <p>16 the last week, do you remember seeing this</p> <p>17 letter, Exhibit 9, in 1997?</p> <p>18 A. No. In 1999?</p> <p>19 Q. No, 1997.</p> <p>20 A. No.</p> <p>21 Q. Is it your understanding that this letter was</p> <p>22 sent by Mr. Murphy to Ethypharm without</p> <p>23 sending you a copy?</p> <p>24 MR. MINGOLLA: Objection.</p>
<p style="text-align: right;">Page 103</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 threaten us that they are going to take the</p> <p>3 manufacturing. Usually or normally I imagine</p> <p>4 that the respond that I got from Mr. Murphy</p> <p>5 was like smile, like saying like again.</p> <p>6 Q. Do you remember discussing the letters raised</p> <p>7 in -- the issues raised in this letter, the</p> <p>8 January 20, 1997 letter with Mr. Murphy?</p> <p>9 A. No, not discussed. Commenting, most likely.</p> <p>10 Commenting most likely, yes.</p> <p>11 MR. BOSTWICK: Can we just go off</p> <p>12 the record for one minute.</p> <p>13 THE VIDEOGRAPHER: The time is 3:31</p> <p>14 p.m. We're going off the record.</p> <p>15 (Discussion off the record)</p> <p>16 THE VIDEOGRAPHER: The time is 3:32</p> <p>17 p.m. We're back on the record.</p> <p>18 Q. Just to be clear, you believe that you spoke</p> <p>19 with Mr. Murphy about the points in the</p> <p>20 January 20, 1997 letter?</p> <p>21 A. Yes, I think so.</p> <p>22 MR. BOSTWICK: I'm going to show you</p> <p>23 another document now which is in English.</p> <p>24 (Exhibit No. 9, Facsimile, EP 2106,</p>	<p style="text-align: right;">Page 105</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Foundation.</p> <p>3 A. I don't know. You know, maybe he did comment</p> <p>4 to me, but I just don't remember.</p> <p>5 Ethypharm's story is quite a long story.</p> <p>6 During my years as a director of Belmac, it</p> <p>7 was a continue -- it is very difficult to</p> <p>8 distinguish.</p> <p>9 Q. Am I correct to say that you don't recall any</p> <p>10 discussions with Mr. Murphy about this letter</p> <p>11 before it was sent?</p> <p>12 MR. MINGOLLA: Objection as to form.</p> <p>13 A. With Mr. Murphy I don't remember ever having</p> <p>14 had a discussion. This is very important. I</p> <p>15 had conversed with him many, many times.</p> <p>16 Q. We're back to the issue between discussion</p> <p>17 and conversation which I would like to try to</p> <p>18 avoid. Did you speak with Mr. Murphy about</p> <p>19 this letter before Mr. Murphy sent the letter</p> <p>20 to Ethypharm?</p> <p>21 A. The thing is I don't remember the content of</p> <p>22 it. If you can read it to me, maybe. If you</p> <p>23 read to me the content of it, maybe I can</p> <p>24 remember some.</p>

27 (Pages 102 to 105)

<p style="text-align: right;">Page 106</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. In the first paragraph, he says, I am writing</p> <p>3 with regard to the fax that I received from</p> <p>4 your Spanish office. That's Exhibit No. 9?</p> <p>5 A. So probably I send it via fax to Mr. Murphy</p> <p>6 is possible.</p> <p>7 Q. Just to clarify, what you've just said is</p> <p>8 that you probably sent Exhibit 8 to</p> <p>9 Mr. Murphy and then Mr. Murphy responded?</p> <p>10 A. Based on the dates, that's what I'm thinking.</p> <p>11 With knowing more of the content, then I can</p> <p>12 confirm.</p> <p>13 Q. The second sentence says, I am confused</p> <p>14 because ever since I assumed control of</p> <p>15 Laboratorious Belmac, I have received</p> <p>16 nothing but extremely positive comments from</p> <p>17 your Spanish staff.</p> <p>18 A. Yes.</p> <p>19 Q. And then he talks generally about not</p> <p>20 receiving payment from Ethypharm in the past</p> <p>21 year. He talks about attempts to negotiate</p> <p>22 contracts between the companies, and he</p> <p>23 suggests a meeting to discuss the future of</p> <p>24 the relationships between the companies.</p>	<p style="text-align: right;">Page 108</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 have Belmac stationery, but the important</p> <p>3 thing is that he was acting as president of</p> <p>4 Belmac because this is a job with the general</p> <p>5 director of Belmac. I didn't speak with the</p> <p>6 Bentley president. I spoke with Belmac's</p> <p>7 president, with my president.</p> <p>8 Q. So it's your position that you never spoke</p> <p>9 with Mr. Murphy as the president of Bentley?</p> <p>10 MR. MINGOLLA: Objection as to form.</p> <p>11 A. Maybe when I went to New York to send results</p> <p>12 to the president of Bentley or the investors</p> <p>13 or maybe when they came over, maybe like once</p> <p>14 a year for a convention or a meeting of some</p> <p>15 sort with investors, with the principal</p> <p>16 investors of the company.</p> <p>17 Q. When Mr. Murphy says, Ever since I assumed</p> <p>18 control of Laboratorious Belmac, what do you</p> <p>19 think he means? When did he assume control</p> <p>20 of Laboratorious Belmac?</p> <p>21 MR. MINGOLLA: Objection. Compound</p> <p>22 and calls for speculation.</p> <p>23 A. Control, I think he's referring to the time</p> <p>24 since he came to Spain to take over the</p>
<p style="text-align: right;">Page 107</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. I don't remember the topic of the point in</p> <p>3 the specific, but this is Mr. Murphy's style.</p> <p>4 As president of Belmac, Mr. Murphy was very</p> <p>5 helpful to me.</p> <p>6 Q. When Mr. Murphy writes on Bentley</p> <p>7 Pharmaceutical's stationery and he says he</p> <p>8 has assumed control of Laboratorious Belmac,</p> <p>9 what does he mean?</p> <p>10 MR. MINGOLLA: Objection as to form</p> <p>11 and calls for speculation.</p> <p>12 A. What is it like? Can you read the paragraph,</p> <p>13 please.</p> <p>14 Q. Let me restate the question now. Okay. And</p> <p>15 the paragraph is not particularly important,</p> <p>16 tell him. The question is a more general</p> <p>17 question, this particular question.</p> <p>18 And the question is: Jim Murphy is</p> <p>19 writing as chairman and CEO of Bentley</p> <p>20 Pharmaceuticals, Inc., correct?</p> <p>21 MR. MINGOLLA: Objection.</p> <p>22 A. This is just as you said as the paragraph is</p> <p>23 not important, so much the paragraph. He was</p> <p>24 probably in the United States. He didn't</p>	<p style="text-align: right;">Page 109</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Belmac company because the principal business</p> <p>3 that Bentley Pharmaceuticals owned was</p> <p>4 Belmac. They had all the interest in Belmac.</p> <p>5 That's why he took direct charge of the</p> <p>6 presidency of Belmac, and he did not let me</p> <p>7 have it.</p> <p>8 Q. Is that in 1995?</p> <p>9 A. Yes. In 1995 he nominated or assigned me as</p> <p>10 general director of Belmac; the president of</p> <p>11 Belmac, Mr. Murphy.</p> <p>12 Q. And that's what he means when he says ever</p> <p>13 since I assumed control, he means 1995?</p> <p>14 A. I imagine.</p> <p>15 Q. Is that what you understand?</p> <p>16 MR. MINGOLLA: Objection.</p> <p>17 A. Yes, that's what I understand, but I'm</p> <p>18 speculating.</p> <p>19 Q. Let me show you another document.</p> <p>20 (Exhibit No. 10, Fax, Bentl 8356, so</p> <p>21 marked)</p> <p>22 Q. This is a document in English, and it is</p> <p>23 called manufacturing rules. It looks as</p> <p>24 though it is prepared for your attention; is</p>

28 (Pages 106 to 109)

<p style="text-align: right;">Page 110</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 that correct?</p> <p>3 MR. MINGOLLA: Objection. The</p> <p>4 witness doesn't speak English.</p> <p>5 A. If you take a look --</p> <p>6 MR. MINGOLLA: Can I get a</p> <p>7 translation to what he just said.</p> <p>8 A. I am thinking because I'm confused, and I'm</p> <p>9 not sure if 1997 we were at the Teide office.</p> <p>10 In 1997 the Belmac's office it was in</p> <p>11 Montearragon. To take -- we went in the year</p> <p>12 I think it was 1999, in '98. It says here</p> <p>13 January 31st of 1997. In 1997 we were in</p> <p>14 Montearragon. I don't know if it's important</p> <p>15 but that strikes me.</p> <p>16 Q. Let's go back to Exhibit 9 for one minute,</p> <p>17 the second page. Mr. Murphy requests a</p> <p>18 meeting in Madrid to discuss the future of</p> <p>19 the relationship between the organizations.</p> <p>20 Do you remember holding a meeting with</p> <p>21 Ethypharm representatives around January or</p> <p>22 February of 1997?</p> <p>23 A. Meetings, we probably had many meetings. Are</p> <p>24 you talking among this people listed here?</p>	<p style="text-align: right;">Page 112</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 We have been talking about a</p> <p>3 situation in early 1997 where Ethypharm</p> <p>4 threatened to terminate the relationship with</p> <p>5 your companies?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall that as a result of that threat</p> <p>8 there was a meeting in Philadelphia between</p> <p>9 Mr. Murphy and some Ethypharm representative</p> <p>10 to try to resolve the matter?</p> <p>11 A. No. I remember problems with Ethypharm</p> <p>12 suspending manufacturing in quite a few</p> <p>13 occasions. That's what I remember. And I</p> <p>14 remember that Mr. Murphy met with the</p> <p>15 Debregeas at some point in the United States.</p> <p>16 I don't know if it was in Philadelphia, but I</p> <p>17 don't remember the relationship.</p> <p>18 Q. Do you remember -- in response to the threat</p> <p>19 to terminate the relationship, do you recall</p> <p>20 Bentley holding a board meeting to discuss</p> <p>21 this matter?</p> <p>22 MR. MINGOLLA: Objection as to form.</p> <p>23 A. No, I don't remember.</p> <p>24 Q. Do you recall discussing anything about this</p>
<p style="text-align: right;">Page 111</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. Do you recall --</p> <p>3 A. I don't remember.</p> <p>4 Q. Do you recall Mr. Murphy meeting with a</p> <p>5 representative of Ethypharm in Philadelphia</p> <p>6 around this time?</p> <p>7 A. You know, it sounds familiar. There was a</p> <p>8 meeting with Mr. Debregeas or Leduc that he</p> <p>9 made a trip to the United States and met with</p> <p>10 them.</p> <p>11 Q. Was it Claude Dubois? Debregeas?</p> <p>12 A. The one that I know the best, you know, was</p> <p>13 -- what was the name of the person that I</p> <p>14 interview with at that dinner?</p> <p>15 MR. MINGOLLA: You're testifying.</p> <p>16 Q. Let me ask this --</p> <p>17 A. I don't even remember the name of my</p> <p>18 grandchildren.</p> <p>19 Q. The perfect deponent. Do you remember</p> <p>20 preparing, asking someone to prepare Exhibit</p> <p>21 No. 10 in order to give to Mr. Murphy for a</p> <p>22 meeting with Ethypharm?</p> <p>23 A. No, I don't remember.</p> <p>24 Q. Do you remember -- strike that.</p>	<p style="text-align: right;">Page 113</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 threat to terminate the relationship -- let</p> <p>3 me strike that. Let me start that over.</p> <p>4 Do you recall speaking with</p> <p>5 Mr. Murphy at all about this threat to</p> <p>6 terminate the relationship in 1997?</p> <p>7 A. Can you repeat the question, please?</p> <p>8 (Question read)</p> <p>9 A. Yes. I have said on various occasions</p> <p>10 already that for sure that I made a comment</p> <p>11 with him, but I don't remember the specific</p> <p>12 moment, but it is logical that yes.</p> <p>13 Q. Do you recall speaking with Mr. Murphy in</p> <p>14 advance of Mr. Murphy's meeting with</p> <p>15 Ethypharm representatives in the U.S.A.?</p> <p>16 A. I imagine so, but I'm just speculating. It's</p> <p>17 logic.</p> <p>18 Q. But there is nothing you can tell me about</p> <p>19 discussions you had with Mr. Murphy before</p> <p>20 Mr. Murphy met in the U.S.A. with Ethypharm</p> <p>21 representatives?</p> <p>22 A. No. Of all the various times that I remember</p> <p>23 Ethypharm threatening us of suspending</p> <p>24 manufacturing, there's something specific I</p>

29 (Pages 110 to 113)

<p style="text-align: right;">Page 114</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 would like to clarify. It is about a fax</p> <p>3 that I don't remember that I had been</p> <p>4 presented with, and I think I will remember</p> <p>5 it.</p> <p>6 I remember receiving a fax from</p> <p>7 France that it specifically said to</p> <p>8 immediately suspend all the manufacturing of</p> <p>9 the products with no previous history, and</p> <p>10 picking up the phone and calling Mr.</p> <p>11 adolfo De Basilio in Spain and asking him,</p> <p>12 Adolfo, are you aware of this fax? And he</p> <p>13 said yes, I did receive it. They have gone</p> <p>14 crazy for sure.</p> <p>15 Now you can understand that all</p> <p>16 these other threats are just minor topics to</p> <p>17 me because on that specific occasion there</p> <p>18 was no consequence. We continue</p> <p>19 manufacturing. But that specific fax I have</p> <p>20 not seen it, never. I don't know why because</p> <p>21 it has been sent from France, and I don't</p> <p>22 remember whom, but I'm not sure it was</p> <p>23 Mr. Igonet.</p> <p>24 Q. Do you remember when?</p>	<p style="text-align: right;">Page 116</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. Who was it?</p> <p>3 A. Fernando Berenguer, director of development.</p> <p>4 Recently he died. If not, he will have been</p> <p>5 a magnificent witness, much better than I.</p> <p>6 Q. When did Mr. Berenguer deal with people from</p> <p>7 Ethypharm? What period?</p> <p>8 A. As soon as he incorporated into the company</p> <p>9 in 1997, if I remember correctly, as soon as</p> <p>10 I had the financial resources to contract</p> <p>11 him. On various occasion, I had worked with</p> <p>12 him. He was a great partner. He</p> <p>13 complemented me very well. He had everything</p> <p>14 that I was missing.</p> <p>15 Q. What did he --</p> <p>16 A. As the language. And the patient.</p> <p>17 MR. MINGOLLA: Why don't we break</p> <p>18 for a minute so I can figure out what to do</p> <p>19 to wrap up for today.</p> <p>20 THE VIDEOGRAPHER: The time is 4:07</p> <p>21 p.m. We're going off the record.</p> <p>22 (Recess.)</p> <p>23 THE VIDEOGRAPHER: The time is 4:19</p> <p>24 p.m. We're back on the record.</p>
<p style="text-align: right;">Page 115</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. No.</p> <p>3 Q. Do you remember what the issue was and why?</p> <p>4 A. That was the thing, there was no topic. It</p> <p>5 was just --</p> <p>6 Q. Did you have any discussions with anyone at</p> <p>7 France about that after receiving the fax</p> <p>8 you're just mentioning -- did you speak with</p> <p>9 anyone in France?</p> <p>10 A. No. With Mr. De Basilio.</p> <p>11 Q. When you received the fax, did you speak with</p> <p>12 Mr. Murphy?</p> <p>13 A. Yes, for sure.</p> <p>14 Q. Do you recall what he said?</p> <p>15 A. No. Probably as I commented to you already,</p> <p>16 when I converse with Mr. De Basilio, he said</p> <p>17 no, no, forget it. Don't put attention.</p> <p>18 That must be some problem in France, and it</p> <p>19 had to be -- it didn't have any backup. I</p> <p>20 got very tired with the relationship with</p> <p>21 Ethypharm during those years. That's why I</p> <p>22 brought Fernando Berenguer. He spoke French.</p> <p>23 He was very knowledgeable about international</p> <p>24 relationships and was a very diplomatic man.</p>	<p style="text-align: right;">Page 117</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 (Exhibit No. 11, Document, EP2767,</p> <p>3 so marked)</p> <p>4 Q. Dr. Azpeitia, before I show you that</p> <p>5 document, do you ever write in English for</p> <p>6 business letters yourself?</p> <p>7 A. No.</p> <p>8 Q. Do you ever write in French for business</p> <p>9 documents?</p> <p>10 A. No. I only write in Spanish and not so good</p> <p>11 either because I'm dyslexic. I had a hard</p> <p>12 time at school.</p> <p>13 Q. Do you ever -- when you were working at</p> <p>14 Laboratorios Belmac, did you ever write</p> <p>15 letters in Spanish and then have someone</p> <p>16 translate them into English or French or</p> <p>17 another language?</p> <p>18 A. My administrative style is that my group will</p> <p>19 approach a situation as a collective group.</p> <p>20 My team knew all the issues. When it came to</p> <p>21 issues in French, Mr. Estevez and Berenguer</p> <p>22 were the ones that took care of the French.</p> <p>23 They will write down the idea of the</p> <p>24 entire group, and then they will comment on</p>

30 (Pages 114 to 117)

<p style="text-align: right;">Page 118</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 it, and the English version, usually</p> <p>3 Mr. Berenguer but Mr. Estevez also. Both of</p> <p>4 them spoke both language:</p> <p>5 (Exhibit No. 11, Letter, EP2767, so</p> <p>6 marked)</p> <p>7 Q. Let me show you Exhibit No. 11.</p> <p>8 A. This is in French.</p> <p>9 Q. I would ask you to take a look at the last</p> <p>10 page. Is that your signature?</p> <p>11 A. Yes, it's my signature.</p> <p>12 Q. And this is a letter to -- it doesn't say who</p> <p>13 it's to. It's a letter from you, but it's in</p> <p>14 French?</p> <p>15 A. Yes, they would write them for me.</p> <p>16 Q. So you believe someone wrote this letter for</p> <p>17 you to send?</p> <p>18 A. Yes, exactly. But the content, I make myself</p> <p>19 responsible of the content.</p> <p>20 Q. So you would have discussed the contents of</p> <p>21 this letter in Spanish and then signed it?</p> <p>22 A. Yes, of course.</p> <p>23 (Exhibit No. 12, Document, Bel6304,</p> <p>24 so marked)</p>	<p style="text-align: right;">Page 120</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 letter that you would send to Ethypharm.</p> <p>3 MR. MINGOLLA: Objection as to the</p> <p>4 form if that's a question.</p> <p>5 Q. It's not a question. It's simply to give you</p> <p>6 some context. If I'm wrong, you can tell me.</p> <p>7 So the letter reads, Dear, sir, Despite the</p> <p>8 fact that our president Mr. Murphy is going</p> <p>9 to contact Mr. Dubois --</p> <p>10 A. Who is it directed to? It's from me, isn't</p> <p>11 it? It's from me to whom? To Mr. Murphy?</p> <p>12 Q. Well, you can tell me exactly --</p> <p>13 A. So this is from me to Mr. Murphy, and I am</p> <p>14 saying to him what exactly again?</p> <p>15 Q. Let me explain my understanding, and then you</p> <p>16 can tell me if I'm correct.</p> <p>17 A. Yes, but I just don't know who is writing the</p> <p>18 letter, and to whom is the letter being</p> <p>19 written, so please understand that I cannot</p> <p>20 make an opinion. I mean, we can try this,</p> <p>21 but I'm just letting you know it's going to</p> <p>22 be a little difficult because I don't know</p> <p>23 who is writing the letter and to whom the</p> <p>24 letter is being written.</p>
<p style="text-align: right;">Page 119</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. I'll ask you to take a look through that and</p> <p>3 see if you recognize this document.</p> <p>4 A. No, I don't remember.</p> <p>5 Q. This is apparently a fax from you to</p> <p>6 Mr. Murphy on March 31, 1997?</p> <p>7 A. Yes.</p> <p>8 Q. We've been talking about a threat that</p> <p>9 Ethypharm made to terminate the relationship</p> <p>10 because of problems with GMP?</p> <p>11 A. Yes.</p> <p>12 Q. Do you believe that this document is one</p> <p>13 example of your providing information to</p> <p>14 Mr. Murphy about that issue?</p> <p>15 MR. MINGOLLA: Objection as to form.</p> <p>16 A. If you read the letter to me, maybe I can</p> <p>17 answer it. If not, I will just be</p> <p>18 speculating as you may understand.</p> <p>19 Q. Why don't you look at the second page, and</p> <p>20 let me read you the first paragraph, and she</p> <p>21 will translate. Despite the fact that our</p> <p>22 president Mr. Murphy -- let me strike that.</p> <p>23 Let me start by saying that I</p> <p>24 understand this to be a letter, a draft</p>	<p style="text-align: right;">Page 121</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. Well, if you look at the first page, the</p> <p>3 first page looks like a fax that is from you</p> <p>4 to Mr. Murphy at Bentley Pharmaceuticals,</p> <p>5 correct?</p> <p>6 MR. BOSTWICK: You may want to</p> <p>7 instruct him to wait until we finish the</p> <p>8 question before he answers it.</p> <p>9 MR. MINGOLLA: I need to hear what</p> <p>10 he says. I didn't gather he had a question</p> <p>11 about your question.</p> <p>12 THE INTERPRETER: He just point out</p> <p>13 something to stating here, BEL something</p> <p>14 else. He said BEL and then he said --</p> <p>15 Q. Let me explain. We're going to do this as</p> <p>16 efficiently as I can do it. My understanding</p> <p>17 is the BEL at the bottom is this comes from</p> <p>18 Laboratorious Belmac, this document. Okay.</p> <p>19 A. He says it has this numbers. I didn't know</p> <p>20 who had put it down. It's original.</p> <p>21 MR. MINGOLLA: Perhaps I could</p> <p>22 explain to the witness briefly --</p> <p>23 MR. BOSTWICK: Let's go off the</p> <p>24 record briefly.</p>

31 (Pages 118 to 121)

<p style="text-align: right;">Page 122</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 THE VIDEOGRAPHER: It's 4:31 p.m.,</p> <p>3 and we're going off the record.</p> <p>4 (Discussion off the record)</p> <p>5 THE VIDEOGRAPHER: The time is 4:33</p> <p>6 p.m. We're back on the record.</p> <p>7 Q. We're looking at Exhibit 12, and the first</p> <p>8 page it appears to be a fax from you,</p> <p>9 Mr. Gonzalez, dated March 31, 1997 to</p> <p>10 Mr. Murphy at Bentley Pharmaceuticals.</p> <p>11 A. Yes.</p> <p>12 Q. And do you have any memory as you sit here</p> <p>13 today of this document?</p> <p>14 A. No.</p> <p>15 Q. You don't remember sending Mr. Murphy a draft</p> <p>16 letter for his review?</p> <p>17 A. No, I don't remember.</p> <p>18 Q. Is that something that you would have done,</p> <p>19 to send a draft letter to Mr. Murphy to</p> <p>20 review and get his approval?</p> <p>21 MR. MINGOLLA: Objection as to form.</p> <p>22 A. It's possible.</p> <p>23 Q. And this is a draft on page 2 that is in</p> <p>24 English, correct?</p>	<p style="text-align: right;">Page 124</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. No, I don't remember, but it is here, so I'm</p> <p>3 assuming.</p> <p>4 Q. You're assuming that you did send that fax to</p> <p>5 Bentley?</p> <p>6 A. Yes, of course. And yes, Laura Peterson was</p> <p>7 my secretary.</p> <p>8 Q. Who else did Laura Peterson work for?</p> <p>9 A. As I said before, she was my secretary and</p> <p>10 interpreter, and it was Mr. Murphy's</p> <p>11 secretary when he was in Spain and also</p> <p>12 interpreter of Mr. Murphy.</p> <p>13 Q. During what years did she serve those roles?</p> <p>14 A. The four years that I was there as director.</p> <p>15 Q. Let me show you another exhibit.</p> <p>16 (Exhibit No. 13, Letter, EP2771, so</p> <p>17 marked)</p> <p>18 Q. Do you recognize this document as something</p> <p>19 that you have seen before?</p> <p>20 A. No.</p> <p>21 Q. I will represent to you that this is a letter</p> <p>22 or appears to be a letter from Jim Murphy at</p> <p>23 Bentley Pharmaceuticals to Claude Dubois of</p> <p>24 Ethypharm. First, do you know Claude Dubois</p>
<p style="text-align: right;">Page 123</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. Yes.</p> <p>3 Q. And it came from Laboratorious Belmac and</p> <p>4 went to Bentley?</p> <p>5 MR. MINGOLLA: Objection.</p> <p>6 Foundation.</p> <p>7 Q. Is that correct?</p> <p>8 A. I don't know. I don't remember. I don't</p> <p>9 know.</p> <p>10 Q. Do you know who would have written this draft</p> <p>11 on page 2?</p> <p>12 A. Without knowing its content, no.</p> <p>13 Q. Looking at page 3, this also appears to be a</p> <p>14 fax from you to Mr. Murphy at Bentley</p> <p>15 Pharmaceuticals. Is that what it looks like</p> <p>16 to you?</p> <p>17 A. Yes.</p> <p>18 Q. It says in the notes, We send you a copy of</p> <p>19 the letter we gave Bernabe so he could take</p> <p>20 it with him to France. If you have any</p> <p>21 problems understanding it, please call us</p> <p>22 back or send us a fax.</p> <p>23 Do you remember sending this fax to</p> <p>24 Bentley?</p>	<p style="text-align: right;">Page 125</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 at Ethypharm?</p> <p>3 A. Yes, I believe so. I believe he's the person</p> <p>4 that I had dinner with.</p> <p>5 Q. And not Mr. Debregeas?</p> <p>6 A. I don't understand. It wasn't Mr. Debregeas?</p> <p>7 Q. Here's my question. Earlier today you</p> <p>8 testified that you had a dinner with</p> <p>9 Mr. Debregeas or someone you thought was</p> <p>10 Mr. Debregeas. Dubois?</p> <p>11 A. No. Dubois. That's what I think, so maybe I</p> <p>12 had said the wrong thing because I made a</p> <p>13 mistake, but I believe that what I meant was</p> <p>14 Mr. Dubois because Dubois, Debregeas --</p> <p>15 because Leduc and Debregeas were the original</p> <p>16 founders of Ethypharm if I'm correct. The</p> <p>17 person that later on incorporated him into</p> <p>18 the company was Dubois if I'm correct. Am I</p> <p>19 correct?</p> <p>20 Q. I can't answer your questions. I'm sorry.</p> <p>21 A. Also, I am not sure, but what I think Dubois</p> <p>22 is the one that I had dinner with that</p> <p>23 evening, not Debregeas, and Debregeas I only</p> <p>24 saw him in France. You know, I say hi to him</p>

32 (Pages 122 to 125)

<p style="text-align: right;">Page 126</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 and wish him some words through Fernando</p> <p>3 Berenguer, some words.</p> <p>4 Q. This letter, Exhibit 13, I'm going to refer</p> <p>5 you to this paragraph and have a translation,</p> <p>6 and this says, Unfortunately, I am not able</p> <p>7 to assist at the meeting that will be held at</p> <p>8 your Paris office, but we certainly wish to</p> <p>9 find together the best solution for both</p> <p>10 companies, and I believe you will find the</p> <p>11 most flexible position in Clemente Gonzalez</p> <p>12 and his collaborators.</p> <p>13 Do you recall -- my question to you</p> <p>14 is: Do you recall Mr. Murphy asking you to</p> <p>15 go to Paris to assist at a meeting with</p> <p>16 Ethypharm?</p> <p>17 MR. MINGOLLA: Objection.</p> <p>18 A. I don't know if Mr. Murphy asked me or if it</p> <p>19 was just a consequence of our relationships</p> <p>20 with Mr. Gonzalez in France -- with</p> <p>21 Mr. De Basilio in Spain. I don't know.</p> <p>22 Q. Do you recall going to Ethypharm's offices in</p> <p>23 France around April or May of 1997?</p> <p>24 A. I don't remember the date, but I do remember</p>	<p style="text-align: right;">Page 128</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 the most favorite time, the arrival of</p> <p>3 Mr. Dubois. And it shows in here the</p> <p>4 Debregeas, Leduc founders. Igonet is the</p> <p>5 financial person; Dubois, general director.</p> <p>6 Q. You're reading the names on the bottom of</p> <p>7 page 3, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And do you remember -- I understand you don't</p> <p>10 remember the specific letter, but do you</p> <p>11 remember the issues in the letter?</p> <p>12 MR. MINGOLLA: Objection as to form.</p> <p>13 A. Yes, briefly.</p> <p>14 Q. What do you remember sitting here today about</p> <p>15 the issues in this letter? In your own</p> <p>16 words, what do you remember?</p> <p>17 A. I remember that there's a beginning, a future</p> <p>18 of production, a promising future of</p> <p>19 production fundamentally. You know, the rest</p> <p>20 is, this is basically it.</p> <p>21 Q. Do I understand correctly that you recall</p> <p>22 this period as one where the parties talked</p> <p>23 about the structure of their future</p> <p>24 relationship?</p>
<p style="text-align: right;">Page 127</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 having been in France with Fernando Berenguer</p> <p>3 and probably Mr. Herrera, but I don't</p> <p>4 remember he was already at the company.</p> <p>5 Q. Do you recall anything about a meeting in</p> <p>6 France around April of 1997?</p> <p>7 A. In concrete, no. Not at all. Concrete or</p> <p>8 not concrete, not at all. I don't remember.</p> <p>9 Q. Why don't I show you another document.</p> <p>10 (Exhibit No. 14, Document, 9174, so</p> <p>11 marked)</p> <p>12 Q. I'll ask you to look at that and see if you</p> <p>13 recognize it. You've had some time to review</p> <p>14 this three-page letter, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And you've not reviewed the longer document</p> <p>17 in the back, the draft contract, correct?</p> <p>18 A. No.</p> <p>19 Q. Just focusing on the letter which you just</p> <p>20 read, is this something that you recall</p> <p>21 receiving around September of 1997?</p> <p>22 A. Exactly the letter, no. As I said before,</p> <p>23 you know, letters, I don't remember any one</p> <p>24 in specific. I remember the time, the era,</p>	<p style="text-align: right;">Page 129</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 MR. MINGOLLA: Objection.</p> <p>3 Ambiguous. What period?</p> <p>4 A. What I remember from this conversation that</p> <p>5 took place, during this time it was presented</p> <p>6 a business -- a future of business of</p> <p>7 positive business, all the chronic problems</p> <p>8 of, you know, of recognizing the know-how,</p> <p>9 the GMP, all of those.</p> <p>10 Q. Those problems were discussed during that</p> <p>11 period? Is that what I'm understanding?</p> <p>12 MR. MINGOLLA: Same objection.</p> <p>13 A. They were always been discussed before,</p> <p>14 after.</p> <p>15 Q. During the negotiations during the 1997 time</p> <p>16 period that are discussed in this letter, do</p> <p>17 you recall now meeting in Paris in April of</p> <p>18 1997?</p> <p>19 A. Yes, this meeting that I had remembered I</p> <p>20 think it is.</p> <p>21 Q. Could you tell me everything you remember</p> <p>22 about the meeting in April of 1997 in Paris</p> <p>23 that's discussed in the second paragraph of</p> <p>24 the exhibit?</p>

33 (Pages 126 to 129)

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<p style="text-align: right;">Page 130</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. This sounds to me just as the same as always,</p> <p>3 a chronic problem.</p> <p>4 Q. Do you remember anything else about the</p> <p>5 meeting in Philadelphia between Mr. Dubois to</p> <p>6 Mr. Murphy from reading paragraph 3 of this</p> <p>7 letter?</p> <p>8 A. It sounds to me just the same as all, you</p> <p>9 know, the conversations and topics. That</p> <p>10 they were not productive, that will develop</p> <p>11 as part of this discussions about Ethypharm.</p> <p>12 (Exhibit No. 14, Document, EP9174,</p> <p>13 so marked)</p> <p>14 Q. Let's show you another document, and this</p> <p>15 Exhibit 14 is September 2, 1997. The</p> <p>16 document that I'm going to show you is the</p> <p>17 next day.</p> <p>18 (Exhibit No. 15, Document, EP2462,</p> <p>19 so marked)</p> <p>20 Q. I would ask you to take a look at that, and</p> <p>21 first question whether the signature on the</p> <p>22 second page is your signature?</p> <p>23 A. Yes.</p> <p>24 Q. So this is a letter, am I -- am I correct</p>	<p style="text-align: right;">Page 132</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 understand.</p> <p>3 A. Because the business was functioning.</p> <p>4 Q. At this point the relationships are going</p> <p>5 well according to this letter?</p> <p>6 MR. MINGOLLA: Objection. Document</p> <p>7 speaks for itself.</p> <p>8 A. In relation to the production, yes. In</p> <p>9 regards to the rest, as is stated on the</p> <p>10 prior letter as, you know, from</p> <p>11 Mr. De Basilio, no.</p> <p>12 Q. Go back to the letter from Mr. De Basilio.</p> <p>13 What are the problems you see with that</p> <p>14 letter?</p> <p>15 MR. MINGOLLA: I assume you're</p> <p>16 talking about problems.</p> <p>17 Q. Let me rephrase the question. We're now</p> <p>18 looking an Exhibit 14. We're going back.</p> <p>19 You indicated that certain things were not</p> <p>20 correct about this exhibit, and I'm asking</p> <p>21 you to put yourself in the place of general</p> <p>22 manager back in 1997 and tell me what you</p> <p>23 have a problem with about that letter, if</p> <p>24 anything?</p>
<p style="text-align: right;">Page 131</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 that this is a letter that you sent to</p> <p>3 Mr. Dubois one day after he sent you a letter</p> <p>4 regarding the Ethypharm relationship?</p> <p>5 A. That I received a communication for Adolfo</p> <p>6 De Basilio on September the 2nd, and on the</p> <p>7 3rd of September I sent a letter to</p> <p>8 Mr. Dubois.</p> <p>9 Q. Thank you. Did you also copy Mr. Murphy on</p> <p>10 your letter?</p> <p>11 A. Probably, yes. There's a translation in</p> <p>12 English that most likely that it was to</p> <p>13 Mr. Murphy's designation.</p> <p>14 Q. And I'm referring to page 3 at the bottom.</p> <p>15 It looks like there's a designation that</p> <p>16 shows that it was copied. It's out of order.</p> <p>17 A. Yes, was copied to Mr. Murphy and Senior De</p> <p>18 Basilio.</p> <p>19 Q. Why don't you take a moment to read that</p> <p>20 document, and just keep in mind that I</p> <p>21 believe that it was -- it's in order, just</p> <p>22 the first two pages of that document?</p> <p>23 A. So it's a relaxing point.</p> <p>24 Q. Why is that a relaxing point? I don't</p>	<p style="text-align: right;">Page 133</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. I need to read it again because it sounded to</p> <p>3 me as negative stuff. It talked about there</p> <p>4 was an audit made by Ethypharm, and the word</p> <p>5 -- they were not happy or conforming with the</p> <p>6 GMP practice.</p> <p>7 Q. You're talking at the bottom of the second</p> <p>8 paragraph?</p> <p>9 A. Yes, second paragraph, the end of the second</p> <p>10 paragraph.</p> <p>11 Q. Is there anything else that you have a</p> <p>12 problem with in that letter?</p> <p>13 MR. MINGOLLA: Objection as to form.</p> <p>14 A. I would like to go step by step. On</p> <p>15 September the 2rd, Mr. De Basilio informs me</p> <p>16 that that they had done an audit by</p> <p>17 Ethypharm, and they were not in conform with</p> <p>18 it. On the 3rd of September, the following</p> <p>19 day I sent a letter to Mr. Debregeas.</p> <p>20 Q. Dubois?</p> <p>21 A. Excuse me, Dubois. On the second paragraph</p> <p>22 -- at the same time we had contract the</p> <p>23 services of some experts of quality expert</p> <p>24 that -- they had taken place, an audit had</p>

34 (Pages 130 to 133)

<p style="text-align: right;">Page 134</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 taken place during the month of July, and in</p> <p>3 September there were conditions to begin the</p> <p>4 program of actions that must take place in</p> <p>5 collaboration with the direction of our</p> <p>6 manufacturing plant.</p> <p>7 But Mr. De Basillo was aware of this</p> <p>8 because he had a direct contract, a very</p> <p>9 direct contract with the director of</p> <p>10 manufacturer of Zaragoza, Senior Cabodevilla.</p> <p>11 Maybe by this time it was Cabodevilla.</p> <p>12 Q. So to summarize in the September letter,</p> <p>13 Mr. Debregeas is telling you there are</p> <p>14 problems with GMP, and your September 3rd</p> <p>15 letter you're responding you're handling</p> <p>16 them?</p> <p>17 A. Then in July we were already solving the</p> <p>18 problems and Mr. Debregeas was aware of this.</p> <p>19 Q. How was your relationship with Adolfo</p> <p>20 Debregeas?</p> <p>21 A. Excellent, personally excellent.</p> <p>22 Professionally very bad.</p> <p>23 Q. Why do you think that's true?</p> <p>24 A. What's true?</p>	<p style="text-align: right;">Page 136</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 A. I don't understand the question. If you can,</p> <p>3 please, repeat the question and please,</p> <p>4 excuse me.</p> <p>5 Q. I'll tell you what. Let's move to a slightly</p> <p>6 different topic. What I want to do is find</p> <p>7 this portion.</p> <p>8 MR. MINGOLLA: Which exhibit are we</p> <p>9 referring to?</p> <p>10 MR. BOSTWICK: Exhibit 15.</p> <p>11 Q. I want to ask you about this sentence. Okay.</p> <p>12 It says, We have received a draft of a</p> <p>13 contract sent by Mr. De Basilio that we as</p> <p>14 well as our president Mr. Murphy are</p> <p>15 reviewing, and we will send you our comments</p> <p>16 and eventually an alternative version in a</p> <p>17 few days.</p> <p>18 Is it true that you sent the draft</p> <p>19 contract in Exhibit 14 to Mr. Murphy for his</p> <p>20 review in the U.S.?</p> <p>21 A. Yes. If it isn't here translated, that means</p> <p>22 that I did send it, yes; but it could be just</p> <p>23 an excuse we use in companies just kind of</p> <p>24 delay or just talk more deeply in terms about</p>
<p style="text-align: right;">Page 135</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. Why do you think the relationship with him</p> <p>3 professionally was not good?</p> <p>4 A. Because from my point of view they didn't</p> <p>5 want to assume the reality. So we always</p> <p>6 converse not about the reality. We were</p> <p>7 conversing like regarding the sex of the</p> <p>8 angels.</p> <p>9 Q. Did the fact that you were dealing with --</p> <p>10 strike that.</p> <p>11 Did the fact that Laboriatorious</p> <p>12 Belmac was dealing with the desires of the</p> <p>13 company in the U.S.A. and the fact that</p> <p>14 Adolfo Debregeas was dealing with France have</p> <p>15 a problem with you?</p> <p>16 MR. MINGOLLA: Objection to form.</p> <p>17 Ambiguous.</p> <p>18 A. You had just presented too many things at the</p> <p>19 same time. Can you do it a little more</p> <p>20 concrete. One at a time.</p> <p>21 Q. As general manager, you were dealing with</p> <p>22 your mother company in the U.S.A., correct?</p> <p>23 MR. MINGOLLA: Objection as to form.</p> <p>24 Dealing with.</p>	<p style="text-align: right;">Page 137</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 certain topics, to consult the president. I</p> <p>3 don't know if in was for sure, for real or it</p> <p>4 was just an excuse. I don't remember.</p> <p>5 Q. So you are not sure whether you sent this --</p> <p>6 you're not sure whether this statement is</p> <p>7 true?</p> <p>8 A. The one that I was going to send it to him,</p> <p>9 no, I'm not sure. You know in the companies</p> <p>10 I'm going to consult with him, you know, like</p> <p>11 I'm going to consult either to delay or to</p> <p>12 blame it on somebody else. You know, as far</p> <p>13 as just me is fine, but in terms of my</p> <p>14 president -- and Mr. De Basilio did this</p> <p>15 double thing quite often. He would say yes,</p> <p>16 with me it's okay, but France, Debregeas is a</p> <p>17 difficult person.</p> <p>18 Q. So sometimes in negotiations about the</p> <p>19 relationship, Mr. Debregeas would say to you</p> <p>20 this, something like this is fine with me but</p> <p>21 my mother company is difficult?</p> <p>22 A. Yes. And sometimes it will be true and</p> <p>23 others it was not.</p> <p>24 Q. And sometimes you would say, Adolfo, this is</p>

35 (Pages 134 to 137)

<p style="text-align: right;">Page 138</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 okay with me, but my company in the U.S.A., I</p> <p>3 don't know if they'll like it?</p> <p>4 MR. MINGOLLA: Objection as to form.</p> <p>5 A. Yes, in some things. Yes, in some moment I</p> <p>6 did use that kind of excuse. You know, it's</p> <p>7 very normal in any type of business.</p> <p>8 Q. Let me show you another document.</p> <p>9 (Exhibit No. 16, Document,</p> <p>10 BETYL2671, so marked)</p> <p>11 Q. This is Exhibit 16, and I want to show you --</p> <p>12 now, have you ever seen minutes of the</p> <p>13 Bentley board meetings in the U.S.A.?</p> <p>14 A. No.</p> <p>15 Q. Can I ask you to turn --</p> <p>16 A. No, never.</p> <p>17 Q. Can I ask you to turn to 2678. I will read</p> <p>18 to you from the top of the page, and it says,</p> <p>19 Mr. Murphy then presented a proposal</p> <p>20 regarding compensation adjustment for</p> <p>21 Clemente Gonzalez, to the members of the</p> <p>22 board, and Mr. Laska requested a copy of</p> <p>23 Dr. Gonzalez's employment agreement and</p> <p>24 suggested his new agreement expire at the</p>	<p style="text-align: right;">Page 140</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 years they haven't increased your salary. I</p> <p>3 have told Mr. Murphy he has to increase your</p> <p>4 salary. He will take care of me a lot. And</p> <p>5 I was very thankful for it; but my wife, you</p> <p>6 know, she wasn't going well with it.</p> <p>7 Q. So Mr. Murphy was the one who was in charge</p> <p>8 of increasing your salary?</p> <p>9 A. Yes.</p> <p>10 Q. And Mr. Murphy had to get authority from</p> <p>11 Bentley's board of directors to do that?</p> <p>12 MR. MINGOLLA: Objection as to the</p> <p>13 form.</p> <p>14 A. I don't know.</p> <p>15 Q. What was your salary from 1995 to 1999? Do</p> <p>16 you know? Do you remember?</p> <p>17 A. No. No. Do you want me to tell you</p> <p>18 approximately.</p> <p>19 Q. Why don't you tell me approximately what you</p> <p>20 made in 1995 and what you made in 1999?</p> <p>21 A. No. I think that I began about 12 million</p> <p>22 pesetas, and I finished with about 8 million</p> <p>23 pesetas, plus bonuses, and it could be like</p> <p>24 13, 18, something like that. And what I do</p>
<p style="text-align: right;">Page 139</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 same time as U.S. management's employment</p> <p>3 agreements.</p> <p>4 And I'm going to skip down to this</p> <p>5 portion which says that it was resolved that</p> <p>6 Clemente Gonzalez is hereby awarded a salary</p> <p>7 increase of 10 percent and a bonus equivalent</p> <p>8 that awarded in the prior year.</p> <p>9 MR. MINGOLLA: If you've mentioned</p> <p>10 this already, I apologize. Have you told the</p> <p>11 witness the date of this meeting because he</p> <p>12 doesn't read English?</p> <p>13 Q. Perhaps I did not. The date of the meeting</p> <p>14 was November 13, 1997. My first question is:</p> <p>15 Do you recall receiving a salary increase in</p> <p>16 November of 1997 or around that time?</p> <p>17 A. I do know that I received increase in salary,</p> <p>18 and there was always -- they always arrived</p> <p>19 with delay because I'm very careful with my</p> <p>20 salary. I didn't like to speak in regards to</p> <p>21 this topic with Mr. Murphy, but I had a</p> <p>22 fantastic defendant within the company that</p> <p>23 was Mr. Estevez.</p> <p>24 So he would think it has been two</p>	<p style="text-align: right;">Page 141</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 remember is what I requested of Mr. Murphy</p> <p>3 for salary for Mr. Debregeas as general</p> <p>4 director, and I believe it was about 22</p> <p>5 million.</p> <p>6 MR. BOSTWICK: Why don't we pause</p> <p>7 right now.</p> <p>8 THE VIDEOGRAPHER: The time is 5:30</p> <p>9 p.m. on June 27, 2006. This is the end of</p> <p>10 tape number three.</p> <p>11 (Recess)</p> <p>12 THE VIDEOGRAPHER: The time is 5:32</p> <p>13 p.m. on June 27, 2006. This is tape number</p> <p>14 four.</p> <p>15 Q. Dr. Gonzalez Azpeitia, we will talk a little</p> <p>16 bit more about salary and bonuses and things,</p> <p>17 and then we'll end for tonight. Is that all</p> <p>18 right?</p> <p>19 A. Very good.</p> <p>20 Q. You indicated as I understood that in 1995</p> <p>21 you made approximately 12 million pesetas as</p> <p>22 the general director of Laboriatorious</p> <p>23 Belmac; is that correct?</p> <p>24 A. Twelve, 13. I think it was more towards 13</p>

36 (Pages 138 to 141)

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1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY
2 but around there.
3 Q. Do you know approximately what that is in
4 U.S. dollars?
5 MR. MINGOLLA: Objection as to form.
6 We're talking about 1995 I understand.
7 Q. Yes. What would that have equated to in U.S.
8 dollars in 1995, if you know?
9 A. I think \$80,000 maybe. I just don't know
10 what was the equivalent exchange of the
11 pesetas with dollar at that time. With it
12 now, it might be something. But it could be
13 about \$80,000.
14 Q. Now, did you also receive bonuses each year
15 while you were a general manager?
16 A. Yes, every year. There were delays, but yes,
17 I believe that every year.
18 Q. Approximately how much would you receive as a
19 bonus each year?
20 A. Approximately \$12,000 or about \$18,000,
21 approximately.
22 Q. Did those bonuses come from decisions made by
23 Jim Murphy -- strike that.
24 Who decided whether you would get a

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1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY
2 bonus?
3 A. This is the first I know, Mr. Murphy, but I
4 don't know if he was consulting with someone
5 else.
6 Q. So you don't know if Bentley, the board of
7 directors of Bentley was involved in
8 authorizing those bonuses?
9 A. No. Until I saw this letter you just showed
10 me, no. Mr. Murphy did not tell me what it
11 was telling Mr. De Basilio. I will have to
12 consult.
13 Q. He didn't say he had to consult with his
14 board?
15 A. No. He didn't use that excuse.
16 Q. Did you receive any stock while you were an
17 employee of Laboratorious Belmac?
18 A. Yes.
19 Q. And was it stock of Laboratorious Belmac or
20 stock of Bentley?
21 A. Bentley. They were Bentley's.
22 Q. Did you receive stock every year?
23 A. Sporadically they will let me have some.
24 Q. How much stock did you collect while you were

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1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY
2 an employee of Bentley?
3 MR. MINGOLLA: Objection as to form.
4 I think you mean what kind of stock were you
5 awarded.
6 Q. How much Bentley stock were you awarded while
7 you were employed by Laboratorious Belmac?
8 A. Total, \$25,000.
9 Q. Do you know how much -- do you still have
10 that stock?
11 A. No.
12 Q. Did you sell that stock at some point?
13 A. Yes. I bought them and I sold them.
14 Q. Did you buy them, or were they awarded to
15 you?
16 A. No, I bought them.
17 Q. What I'm talking about is did you receive
18 stock from Bentley while you were working at
19 Laboratorious Belmac?
20 A. Yes, of course, exactly. Belmac because --
21 Bentley, the stock is from Bentley because
22 Belmac doesn't have actions, you know, so
23 they cannot buy from Belmac.
24 Q. This may be a little difficult to do in

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1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY
2 translation, but I'm going to try. My
3 understanding is you received awards of stock
4 options from Bentley, and then you would have
5 exercised those stock options?
6 A. Yes. Yes, because I have options of
7 purchases, and I did execute them. I bought
8 them and I execute them.
9 Q. How much money did you make off of the stock
10 options that were awarded to you?
11 A. I received the options at about \$60, and that
12 was the price it was at the company when I
13 start at the company, when I received them at
14 the company.
15 MR. MINGOLLA: We have a translation
16 issue here, I believe. My understanding is
17 that he said 160.
18 A. When I began at the company as general
19 director, the options were at \$1, and then
20 they were accessible to me at \$165 -- 1.65.
21 They gave me one time 10,000 and another time
22 10,000. I don't remember, and on another
23 occasion 5,000 when I was no longer general
24 director at \$6 because the options were at \$5

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<p style="text-align: right;">Page 146</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 at that time.</p> <p>3 Q. What I'm trying to understand, and I think</p> <p>4 our translator is trying to understand is how</p> <p>5 much money did you make off of those stock</p> <p>6 options?</p> <p>7 A. When I sold them, I think it was about 12 and</p> <p>8 a half dollars. You know, 11, 11 and a half,</p> <p>9 13, a half of it.</p> <p>10 Q. So in total, do you know how much money you</p> <p>11 made off the stock options, the Bentley stock</p> <p>12 options?</p> <p>13 A. No. You can figure it out.</p> <p>14 Q. I'm not sure I can. Just a rough</p> <p>15 approximation.</p> <p>16 A. Because the dollar -- when I bought the</p> <p>17 options, the dollar was way more than the</p> <p>18 euro, and then I sold them with a lower</p> <p>19 dollar.</p> <p>20 Q. In terms of pesetas, do you think you made</p> <p>21 one million pesetas, 12 million pesetas, 60</p> <p>22 million pesetas?</p> <p>23 A. Okay. I don't know right now. I don't</p> <p>24 remember. You know, maybe I can calculate it</p>	<p style="text-align: right;">Page 148</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 Q. When you retired, did you receive additional</p> <p>3 money like a severance, what we would refer</p> <p>4 to as a severance package in the United</p> <p>5 States?</p> <p>6 A. I received a termination from the company.</p> <p>7 THE INTERPRETER: He said fine. I'm</p> <p>8 not sure of that term.</p> <p>9 A. The company terminated me.</p> <p>10 Q. And did you receive any money when -- or</p> <p>11 stock or bonuses when that happened?</p> <p>12 A. No. Money.</p> <p>13 Q. How much money?</p> <p>14 A. You know, maybe about 100,000, maybe 120,000.</p> <p>15 It was about a one year salary when I was</p> <p>16 general director.</p> <p>17 Q. And was it Mr. Murphy who authorized that?</p> <p>18 A. No. This was Mr. Herrera.</p> <p>19 Q. Do you know if Mr. Herrera spoke with</p> <p>20 Mr. Murphy about that?</p> <p>21 A. No, I don't know.</p> <p>22 MR. BOSTWICK: I don't have any</p> <p>23 further questions tonight, but we'll start up</p> <p>24 tomorrow.</p>
<p style="text-align: right;">Page 147</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 because it has been a little at a time. I</p> <p>3 did not sell them all at the same time. I</p> <p>4 don't remember it -- more than 10 million,</p> <p>5 yes, but I don't know exactly because it had</p> <p>6 been different years also, and there were</p> <p>7 taxes. There were some important taxes of my</p> <p>8 country, so net, you know, is very</p> <p>9 complicated.</p> <p>10 Q. And I appreciate your efforts to give me an</p> <p>11 approximation. It sounds from what you are</p> <p>12 saying that your best estimate is that you</p> <p>13 made somewhere between 50 and 100,000 U.S.?</p> <p>14 MR. MINGOLLA: Objection as to form.</p> <p>15 A. Yes, maybe more, maybe some more.</p> <p>16 Q. Maybe over \$100,000?</p> <p>17 A. Yes, maybe more in various years, but I'm</p> <p>18 very bad at things -- I will have to</p> <p>19 calculate it. If you want, I can send you a</p> <p>20 letter of all the analysis of the stock</p> <p>21 options, but right now I don't know how much</p> <p>22 they cost, when I sold them, the taxes that I</p> <p>23 pay for in the year, you know, because I had</p> <p>24 spend part of it also.</p>	<p style="text-align: right;">Page 149</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 THE VIDEOGRAPHER: The time is</p> <p>3 5:51 p.m. on June 27, 2006. This is the end</p> <p>4 of tape number four of the videotape</p> <p>5 deposition Dr. Gonzalez. This deposition</p> <p>6 will be adjourned until June 28th on these</p> <p>7 premises at 9:00 a.m.</p> <p>8 (Whereupon the deposition was</p> <p>9 suspended at 5:51 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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<p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 CERTIFICATE.</p> <p>3</p> <p>4 COMMONWEALTH OF MASSACHUSETTS</p> <p>5</p> <p>6</p> <p>7 I, Tina M. Sarcia, a Registered</p> <p>8 Professional Reporter and Notary Public in</p> <p>9 and for the Commonwealth of Massachusetts, do</p> <p>10 hereby certify that the foregoing transcript</p> <p>11 of the deposition of CLEMENTE GONZALEZ</p> <p>12 AZPEITIA, having been duly sworn, on Tuesday,</p> <p>13 June 27, 2006, is true and accurate to the</p> <p>14 best of my knowledge, skill and ability.</p> <p>15 IN WITNESS WHEREOF, I have hereunto</p> <p>16 set my hand and seal this 11th day of June</p> <p>17 , 2006.</p> <p>18</p> <p>19</p> <p>20</p> <p>21 Tina M. Sarcia, RPR</p> <p>22 Notary Public</p> <p>23</p> <p>24 My commission expires: March 13, 2009</p>	<p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 ATTACH TO THE DEPOSITION OF CLEMENTE GONZALEZ</p> <p>3 AZPEITIA</p> <p>4 CASE: ETHYPHARM V BENTLEY</p> <p>5 ERRATA SHEET</p> <p>6 INSTRUCTIONS: After reading the transcript</p> <p>7 of your deposition, note any change or</p> <p>8 correction to your testimony and the reason</p> <p>9 therefor on this sheet. DO NOT make any</p> <p>10 marks or notations on the transcript volume</p> <p>11 itself. Sign and date this errata sheet</p> <p>12 (before a Notary Public, if required). Refer</p> <p>13 to Page 151 of the transcript for errata</p> <p>14 sheet distribution instructions.</p> <p>15</p> <p>16 PAGE LINE</p> <p>17 CHANGE:</p> <p>18 REASON:</p> <p>19 CHANGE:</p> <p>20 REASON:</p> <p>21 CHANGE:</p> <p>22 REASON:</p> <p>23 CHANGE:</p> <p>24 REASON:</p> <p>25</p> <p>26 I have read the foregoing transcript</p> <p>27 of my deposition and except for any</p> <p>28 corrections or changes noted above, I hereby</p> <p>29 subscribe to the transcript as an accurate</p> <p>30 record of the statements made by me.</p> <p>31</p> <p>32 CLEMENTE GONZALEZ AZPEITIA DATE</p>
<p>Page 151</p> <p>1 CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY</p> <p>2 DEPONENT'S ERRATA SHEET</p> <p>3 AND SIGNATURE INSTRUCTIONS</p> <p>4</p> <p>5 The original of the Errata Sheet has</p> <p>6 been delivered to Joseph Mingolla, Esq.</p> <p>7 When the Errata Sheet has been</p> <p>8 completed by the deponent and signed, a copy</p> <p>9 thereof should be delivered to each party of</p> <p>10 record and the ORIGINAL delivered to Dwight</p> <p>11 Bostwick, Esq. to whom the original</p> <p>12 deposition transcript was delivered.</p> <p>13</p> <p>14 INSTRUCTIONS TO DEPONENT</p> <p>15</p> <p>16 After reading this volume of your</p> <p>17 deposition, indicate any corrections or</p> <p>18 changes to your testimony and the reasons</p> <p>19 therefor on the Errata Sheet supplied to you</p> <p>20 and sign it. DO NOT make marks or notations</p> <p>21 on the transcript volume itself.</p> <p>22</p> <p>23 REPLACE THIS PAGE OF THE TRANSCRIPT WITH THE</p> <p>24 COMPLETED AND SIGNED ERRATA SHEET WHEN</p> <p>25 RECEIVED.</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p>	

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